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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/533,434	05/02/2005	Akira Kawabc	071971-0203 9488		
	7590 09/18/2007 WILL & EMERY LLP	EXAMINER			
600 13TH STR	EET, N.W.		LAMB, CHRISTOPHER RAY		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/533,434	KAWABE ET AL.		
Examiner	Art Unit		
Christopher R. Lamb	2627		

-The MAILMO DATE of this communication appears on the cover sheet with the correspondence address - THE REPLY FILED CA September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. A The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandoment of this application, applicant must timely file one of the following replies (*) an amendment of the application of conditions of the prior of the same day as filing a Notice of Appeal. To avoid abandoment of this application in condition for allowance, (2) a Notice of (*) an amendment of its or other welface, which places the application in condition for allowance, (2) a Notice of (*) an amendment of the condition of the special of the spe		Office Price 14: Editio		
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid ablandomment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or there evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 41.14. The reply must be filed within one of the following time periods: a) ☑ The period for reply expires an: (1) the mailing date of the final rejection. b) ☐ The period for reply expires on: (1) the mailing date of the final rejection. Examiner Note: (1 box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MEPE 760 or (f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.13(a) and the appropriate extension fee hands be sent the site date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee hands of the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee hands of the date of the period of the checked of the later than three months after the mailing date of the final rejection, even if timely filed, may reduce any avanced patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or special will not be				;
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a) The period for reply expires 2_months from the mailing date of the final rejection, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: I box 15 is checked, check either box (3) or (5), ONLY CHECK BOX (6) WHEM THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a) thad set on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the feet. The appropriate extension fee have been filed and the period of extension and the corresponding amount of the feet. The appropriate extension fee have been filed and the period of extension and the corresponding amount of the feet of the filed within the filed period of Appeal was filed on A brief in compliance with 37 CFR 41.37(e), to avoid dismissal of the appeal. Since a Notice of Appeal was filed on A brief in compliance with 57 CFR 41.37(e), to avoid dismissal of the appeal. Since a Notice of Appeal and period of the period of Appeal and filed after a final rejection, but prior to the date of filing	1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance	the same day as filing a Notice ving replies: (1) an amendment, tice of Appeal (with appeal fee)	of Appeal. To avoid abando affidavit, or other evidence, in compliance with 37 CFR 4	which 11.31; or (3)
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a. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal	 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed 	nsion thereof (37 CFR 41.37(e)), to avoid dismissal of the ar	f the date of opeal. Since
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13.	11. The request for reconsideration has been considered by	ut does NOT place the application	on in condition for allowance	because:
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Application No.

Continuation Sheet (PTO-303)

Note 11: Applicant has argued with the rejection of claims 1-5 and 18 over Hamada (US 2002/0181360). Applicant argues that Hamada does not disclose the "phase error calculator" of the claim. Specifically, Applicant notes that the offset detecting circuit 68 of Hamada detects an offset amount at a trailing edge of a reproduction signal, and states that "the claimed subject matter does not intend to address such an offset." This argument is not persuasive.

The apparatus disclosed by Hamada meets every limitation recited in the claim, as noted in the rejection in the previous Office Action. Whatever the claimed subject matter is intended to address is not relevent as long as Hamada meets a reasonable interpretation of the claim language, which it does. Hamada discloses a circuit with a cross detector, a phase error calculator, and a cross reference value generator that perform the claimed functions, and therefore the claim is unpatentable over Hamada.

Additionally, it is not clear to the Examiner why the Applicant's argument places such emphasis on the fact that the circuit 68 of Hamada detects the trailing edge. Whether it acts on the rising or trailing edge is not claimed in claim 1, and furthermore, Hamada has a detector for both the rising and trailing edges (see paragraphs 74-93).

Applicant's further arguments are based on this first argument. Since that was not found to be persuasive, they are not either.